IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 376/2006

PAWAN KUMAR SONI Vs SMT. RADHA SONI & ANR.

Date of order: 16.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Pankaj Gupta for the petitioner.
Mr. Madhu Sudan Sharma for the respondents.

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The instant criminal revision petition under Section 397 Cr.P.C. is directed against the judgment dated 10.03.2006 passed by the Family Court No.2, Jaipur in Misc. Case No. 341/2004, whereby the application of the respondent-wife moved under Section 125 Cr.P.C. has been allowed and maintenance @ Rs. 1,500/- per month has been granted in favour of the respondent-wife Smt. Radha Soni and Rs. 1,000/- per month has been granted in favour of the respondent No.2 Kunal, minor son of the petitioner, totaling to Rs. 2,500/- per month from the date of filing of the application i.e. 20.10.2004.

Learned counsel for the petitioner prayed that the maintenance awarded by the Family Court should be awarded from date of passing of the judgment i.e. 10.03.2006, whereas the same has been awarded from the date of filing of the application i.e. 20.10.2004.

Having considered the rival submissions submissions of the respective parties and looking to the facts and circumstances of the case, in the interest of justice, I deem it proper to modify the impugned judgment dated 10.03.2006 passed by the Family Court No.2, Jaipur to the extent that the order of maintenance will be effective from the date of passing of the judgment i.e. 10.03.2006 and not from the date of filing of the application i.e. 20.10.2004.

Accordingly, the impugned judgment dated 10.03.2006 passed by the Family Court No.2, Jaipur is modified as indicated herein above and the revision petition stands disposed of.

(K.S. RATHORE),J.

/KKC/